



**MINUTES
FREMONT PLANNING COMMISSION
REGULAR MEETING OF JULY 14, 2005**

CALL TO ORDER: Chairperson Harrison called the meeting to order at 7:00 p.m.

PRESENT: Chairperson Harrison, Commissioners Chan, King, Lorenz, Lydon, and Sharma

ABSENT: Commissioner Weaver

STAFF PRESENT: Barbara Meerjans, Senior Planner
Jeff Schwob, Planning Director
Larissa Seto, Senior Deputy City Attorney II
Alice Malotte, Recording Clerk
Chavez Company, Remote Stenocaptioning
Miriam Shalitt, Video Technician

APPROVAL OF MINUTES: Regular Meeting of June 23, 2005, with the following correction:
Page 5, Planning Director Schwob speaking: . . . ~~did not believe~~ believed

CONSENT CALENDAR

THE CONSENT LIST CONSISTED OF ITEM NUMBERS 1, 4, AND 5.

IT WAS MOVED (CHAN/SHARMA) AND UNANIMOUSLY CARRIED BY ALL PRESENT THAT THE PLANNING COMMISSION TAKE THE FOLLOWING ACTION ON ITEM NUMBERS 1, 4, AND 5.

Item 1. PURPLE LOTUS TEMPLE – Fox Avenue – (PLN2003-00313) – to consider a Conditional Use Permit application and Preliminary Grading Plan for a 55,560 square foot Buddhist temple (Purple Lotus Temple) with living quarters for 120 persons (monks and guests) and a maximum capacity of 150 persons in the main hall (water ceremony hall, cafeteria at same time) and a 32,400 square foot institute (Dharma Institute) with a capacity of 250 students (consisting of adults and high school students), including quarters for 50 students, on 5.5 acres located on Trailside Terrace (south side of Fox Avenue) in the Niles Planning Area. A Draft Mitigated Negative declaration was prepared and circulated in conjunction with this project.

CONTINUE TO AUGUST 11, 2005 TO ALLOW THE APPLICANT TO MEET WITH THE CITY OF UNION CITY REGARDING A SECONDARY EMERGENCY ACCESS.

Item 4. STARLITE CO-LOCATION SPRINT PCS - 47951 Westinghouse Drive - (PLN2005-00228) - to consider a Conditional Use Permit for the construction of a co-locatable wireless telecommunication facility (65-foot monopole) in the Industrial Planning Area. This project is categorically exempt from CEQA review, per Section 15303, New Construction or Conversion of Small Structures.

HOLD PUBLIC HEARING;

AND

FIND PLN2005-00228 IS EXEMPT FROM CEQA REVIEW PER SECTION 15303, NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES;

AND

FIND THAT PLN2005-00228 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS, AND POLICIES SET FORTH IN THE GENERAL PLAN'S FUNDAMENTAL GOALS, LAND USE, AND NATURAL RESOURCE CHAPTERS AS ENUMERATED WITHIN THE STAFF REPORT;

AND

FIND THAT PLN2005-00228 IS IN CONFORMANCE WITH STANDARDS OF THE WIRELESS TELECOMMUNICATIONS ORDINANCE (#2213);

AND

FIND THAT PLN 2005-00228 IS IN CONFORMANCE WITH THE ZONING REQUIREMENTS OF THE I-R, RESTRICTED INDUSTRIAL ZONING DISTRICT;

AND

APPROVE PLN2005-00228, SUBJECT TO FINDINGS AND CONDITIONS IN EXHIBIT "B".

- Item 5. PACIFIC COMMONS - Northeast corner of Auto Mall Parkway and Boscell Road - (PLN2005-00315)** - to consider a Finding for architectural approval for two retail buildings to be located on the northeast corner of Auto Mall Parkway and Boscell Road in the Industrial Planning Area. An Environmental Impact Report (EIR) and Supplemental EIR were previously approved for the Pacific Commons project. An Addendum was prepared and adopted for the Planned District Major Amendment, finding the project to be consistent with the original plan and EIRs.

HOLD PUBLIC HEARING;

AND

FIND THAT THE EIR AND SUPPLEMENTAL EIR PREVIOUSLY APPROVED FOR THE PACIFIC COMMONS PROJECT, AND THE ADDENDUM ADOPTED FOR THE PLANNED DISTRICT MAJOR AMENDMENT ARE CONSISTENT WITH THE ARCHITECTURE PLANS FOR R4 & R5 WHICH IMPLEMENT THE PLANNED DISTRICT MAJOR AMENDMENT AND THAT NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED;

AND

FIND PLN2005-00315 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATION, GOALS, AND POLICIES SET FORTH IN THE GENERAL PLAN'S LAND USE CHAPTER AS ENUMERATED IN THE STAFF REPORT;

AND

APPROVE PLN2005-00315, AS SHOWN ON EXHIBIT "A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".

The motion carried by the following vote:

AYES:	6 – Chan, Harrison, King, Lorenz, Lydon, Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Weaver
RECUSE:	0

PUBLIC COMMUNICATIONS

ORAL COMMUNICATIONS

PUBLIC HEARING ITEMS

- Item 2. FIRE STATION 6 – 4355 Central Avenue – (PLN2005-00278)** - to consider a Precise Planned District to allow an approximately 13,200 square foot fire station and a 2,600 square foot reserve apparatus storage building on a 2.5 acre site located in the Centerville Planning Area. A negative declaration has been previously prepared and adopted for this project.

MODIFICATION TO STAFF REPORT

The architect has provided two color options for the tile on the tower element of the proposed fire station. Staff recommends Option "A" as presented on the tile material board.

Associate Planner Meerjans gave an update on the Fire Safety Bond, which was passed in November 2002, and authorized 51 million dollars to provide funding to replace three fire stations with three modern stations, to build a public safety training center and to remodel and make seismic improvements for the remaining seven fire stations. Stations 4, 5, 7, 9 and 10 were all under construction and would be completed on schedule. Station 1 and 3 were in the design process. Station 8 would have construction contracts awarded by City Council on July 26th. For Station 2, negotiations were underway for property acquisition. The joint police and fire training center was undergoing programming and site assessment. She introduced Rob Kalkbrenner.

Rob Kalkbrenner introduced new Fire Chief Bruce Martin, Fire Captain Mike Avila, Senior Civil Engineer Ron Fong and project architect with WLC Bill Louie. He stated that this project was the second new fire station that was being funded by the bond measure.

Mike Avila, Fire Captain, stated that the primary goal in selecting sites was to eliminate the operations being dictated by the facility. It was decided that the Station 6 site should be larger than the standard one-acre site, because the ladder truck company and Battalion Chief from Station 1 would be relocated here. The life of the building was expected to be 50 to 80 years, which would accommodate future increased needs. An additional apparatus storage building would be provided on this site, as well. Additional storage buildings were also planned for Stations 7 and 10. This location would improve response coverage to the west without compromising coverage to the east; it would maintain and enhance the I-880 access; and it would allow response to the Central Business District to not be compromised, due to lack of a grade separation.

Bill Louie, architect, stated that fire response would be onto Central Avenue, a major arterial connecting street, turning onto Dusterberry Way. Modern stations were designed to allow a truck to enter the garage from the rear and to exit from the front. The garage would have four bays that could accommodate two trucks in each bay. Exterior elevations would be a traditional, Spanish theme that would fit into the area. Materials would include curved roof tile, stucco with multiple colors, ceramic tile and arches accenting the front entryway, and trellises to provide shade and some covering for windows and doorways.

Commissioner Lorenz stated that he had received questions from the community concerning the choice of the site, and he asked why this site was chosen as opposed to the site a block away where some apparatus was currently being stored.

Captain Avila replied that he also liked that site. However, that site was dedicated parkland and would have to be replaced in like kind, which was not possible at this time.

Chairperson Harrison asked the several questions and the answers were as follows:

- *What procedures were used when a fire station was located within a residential area?*

Captain Avila replied that the siren and the horn were a double-edged sword. Some existing fire stations were located within single-family home developments and the devices were used only when required by law or when they would enhance the safety of citizens and firefighters. When pulling onto the street at 2:00 a.m., there was no need to make a lot of noise. However, when pulling onto the street at commute time, they would take control of the road to get the job done.

- *How long would construction take?*

Mr. Louie stated that construction would take 12 months.

- *What would Phase 2 look like?*

Captain Avila stated that Phase 2 would be located on an acre of land and it was unplanned at the present time. It could accommodate a classroom element of the training center element.

- *What was planned, short term, for the site on which the original Station 6 was located?*

Captain Avila replied that there were no current plans and it might be listed on the surplus property list for the city.

Chairperson Harrison suggested that it could be used, short term, for some of the classroom education programs (and/or CERT programs) taught by the firefighters.

- *Was Phase 2 covered by the bond funding?*

Captain Avila stated that if Phase 2 became a portion of the public safety-training element, that funding could be used.

- *If another applicant came forward with a similar situation, and it was a two-phase project and the first phase was approved, could that still happen under a planned district?*

Senior Deputy City Attorney Seto stated that he was correct

Commissioner Chan asked how much of the fire safety bond had been allocated for this project. What was the size of this station compared to the other future stations?

Mr. Kalkbrenner replied that the total budget for this project was 11.6 million dollars, which would consist of 3.4 million dollars for land and 5.6 million dollars for the actual construction. The remainder of the budget would be for design, project management, art, permits, contingency and a storage building.

Captain Avila stated that this station would consist of 13,000 square feet with four apparatus bays. The original plan was for the three new stations to be 10,000 square feet each with three bays. The analysis showed that a larger station in Centerville would be needed in the future, the Niles Station would be smaller.

Commissioner Chan asked if this station would be the largest of the stations and where would the public art be located?

Captain Avila agreed that it would. The artwork was yet to be determined and, as the process moved forward, meetings would be scheduled with the community.

Commissioner Sharma suggested that the corner of Dusterberry Way and Central Avenue would be the best location for artwork. He especially liked the artwork displayed on the corner of Paseo Padre Parkway in the Mission.

Captain Avila agreed that he had a wonderful idea. He would like to display the historic fire bell from the Centerville Fire Department in the covered entryway, along with honoring the volunteering firefighters. The Art Board would make the final decision.

Commissioner Lorenz disclosed that he had met with the master tenant, the owner of Fleury Trucking. He also had several questions and the answers were as follows:

- *When will construction actually start, because the tenant would like to continue at this location on a month-to-month basis (with a 30-day eviction notice) until closer to the start of construction, while continuing to pay rent to the city.*

Senior Deputy City Attorney Seto stated that she had spoken to the city's Real Property Manager, Randy Sabado, and he confirmed that the master tenant and the sub-tenants were given notice in January, 2005 and they had signed an agreement in March, 2005 agreeing to vacate the property by the end of September. One difficulty could be if one of the sub-tenants decided to "hold over," a state law required an eviction action in court and eviction would not happen in a timely manner, which could extend the time period to as long as 90 days. This could slow down the construction process. One of the processes, under California law, required the city to provide relocation benefits to help the tenants to find a new location and pay them money for the loss of the use of the land, including rent.

Commissioner Lorenz stated that the master tenant was concerned that he may not be able to get some trucks that were unlawfully using a portion of the property to leave by the end of September.

- *Many big rigs had been allowed to use the Dusterberry Way side of the property for parking while doing business with the DMV, because they were not allowed to park on Dusterberry Way, itself. What will happen when the big rigs were no longer allowed to park on this land? Where would they park?*

Senior Deputy City Attorney Seto was not sure that the Real Property Manager was aware of the situation. She offered to bring this to his attention. There might be other sites where a similar agreement could be reached with private property owners.

Commissioner Lorenz understood that Fleury Trucking tenants, only, were allowed on Dusterberry Way and Thornton Avenue, since Central Avenue did not allow trucks.

Senior Deputy City Attorney Seto stated that a large truck was allowed to traverse a non-truck route, if traveling to a certain location, but it would not be allowed to use that street as a regular thoroughfare.

- *Would the traffic signal at Dusterberry Way be controlled by the fire station, as was the case at other stations?*

Senior Civil Engineer Fong replied that pushbutton controls were available at some fire stations to preempt the signal in case of emergency. Those controls were not available at all stations, because they severely disrupted the signal coordination. He did not believe there was enough traffic at that corner to justify such a control. The city hoped to receive State funding for signal preemption for other locations using an Opticon system.

- *The master tenant had provided the city a service by allowing big rigs to park on his property when using the DMV, along with allowing parishioners at the church across the street to park on the property. Was there a way to allow the future parking lot to be shared with the DMV and the church parishioners?*

Captain Avila stated that he was uncertain, at this time.

Senior Civil Engineer Fong suggested that those options could be explored when Phase 2 came back to the Commission for review.

Commissioner Lydon asked if the long-range plan was for the DMV to move from that location.

Planning Director Schwob stated that the DMV site was designated for residential use and the hope was that the DMV would move to, perhaps, an industrial area that would be better suited to accommodate the parking needs.

Chairperson Harrison opened and closed the public hearing.

Chairperson Harrison recommended City Council consider naming this fire station after **Commissioner Lydon**, who was a past Fire Chief. It would be particularly appropriate since it was the first station he had been assigned to.

IT WAS MOVED (KING/LORENZ) AND CARRIED BY THE FOLLOWING VOTE (6-0-0-1-0) THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

FIND THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY ADOPTED ON ADDRESSED AND MITIGATED THE ENVIRONMENTAL IMPACTS OF THIS PLANNED DISTRICT AMENDMENT;

AND

FIND THAT PLN2005-00278 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL PLAN'S FUNDAMENTAL GOALS AND HEALTH AND SAFETY CHAPTERS, AS SET FORTH IN EXHIBIT "C", HEREBY ADOPTED BY REFERENCE;

AND

FIND PLN2005-00278, AS PER EXHIBIT "B" (SITE PLAN, FLOOR PLANS, ELEVATIONS AND CIVIL, AND LANDSCAPE PLANS), FULFILLS THE APPLICABLE REQUIREMENTS SET FORTH IN THE FREMONT MUNICIPAL CODE;

AND

RECOMMEND TO THE CITY COUNCIL THE PRECISE PLANNED DISTRICT AS SHOWN ON EXHIBIT "A" (PLANNED DISTRICT, EXHIBIT "B" (SITE PLAN, FLOOR PLANS, ELEVATIONS AND CIVIL, AND LANDSCAPE PLANS), AND EXHIBIT "D" (MATERIAL COLOR AND SAMPLE BOARD) FOR PLN2005-00278 BE APPROVED, BASED UPON THE FINDINGS AND SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN EXHIBIT "C".

The motion carried by the following vote:

AYES:	6 – Chan, Harrison, King, Lorenz, Lydon, Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Weaver
RECUSE:	0

- Item 3.** **STINE-WALIA - 41892 Covington Drive & 41922 Paseo Padre Parkway – (PLN2005-00223)** – to consider Tentative Parcel Map 8556 to merge two existing parcels for the creation of three new residential parcels located in the Mission San Jose Area. This project is categorically exempt per CEQA, Section 15315, Minor Land Division.

Commissioner Lydon recused himself because he lived and owned property within 200 feet of these properties.

Commissioner Lorenz disclosed that he had met with Mr. Stine, and they had discussed the project and viewed the site.

Commissioner Sharma asked why the applicants decided to divide their lots and what their long-term plan was, including the future of some of the trees.

Tim Stine, applicant on Paseo Padre Parkway, stated that his property was adjacent to the other applicant's property on Covington Drive at the corner. His property consisted of 15,000 square feet with much of the property at a diagonal down to the front. The other applicant had excess property along the rear portion, so between the two, 8,000 square feet of property was available for a separate lot. An architect had designed a 2,500 square foot, two-story single-family residence that would be constructed on this new parcel. Just two Eucalyptus trees along the property line between the two properties would have to be removed.

Bill Walia, applicant on Covington Drive, stated that the two Eucalyptus trees were very close to the other applicant's home and were a fire hazard. New trees would be planted in their place, as recommended by the landscape architect and the city.

Commissioner Lorenz recalled that Mr. Stine told him that his property included an extra lot in the development of five lots, because the developer decided not to build the fifth home.

Mr. Stine stated that he was correct.

Mr. Walia added that Mr. Stine's lot was an odd shape and under their proposal, the lots would be symmetrical, like most lots in the city.

Commissioner Lorenz asked if Mr. Stine had installed the two driveways on his lot.

Mr. Stine replied that the builder had constructed the two driveways with the un-built fifth home in mind. He had changed it slightly to make the two driveways circular. They planned to leave the driveway for the new residents to use.

Commissioner Sharma stated that he was familiar with Mr. Stine's property and the circular driveway. He understood that their neighbors had originally objected to their plan, but had eventually agreed to it. He asked if the Planning Commission would see the final shape and form of the project, which would include the plan for the trees. He noted that none of the design had been included with the Commission's packets.

Mr. Stine stated that he was correct about the neighbors. The city had all documents pertaining to the project, which included a drawing of the house with elevations.

Mr. Walia stated that the architect took photos to make certain the architecture of the new home would be consistent with the rest of the neighborhood. He displayed the drawings. They sent a letter to each of the neighbors with the site plan, elevations and footprint of the proposed home.

Planning Director Schwob stated that the design of the home was not in the purview of the Commission, because this was a standard, single-family, residential district and construction would be allowed with a standard building permit. The Commission was to decide the creation of the new lot, only.

Commissioner Chan asked who would have ownership of the new lot created by this subdivision. She asked if they had a potential buyer for the new home.

Mr. Walia replied that the ownership would be 50-50. Each of them would contribute approximately 4,000 square feet to the new lot.

Mr. Stine stated that they did not have a buyer.

Chairperson Harrison opened and closed the public hearing.

Commissioner Chan stated that she had visited the site and Mr. Stine's frontage was very large. Another house would not be out of place and the new parcel would conform to the minimum 8,000 square feet. She would vote to approve this project.

Commissioner Sharma assumed that there would be no issue with the removal of the trees. He agreed that this project was compatible with the rest of the neighborhood.

Planning Director Schwob did not believe there was a problem with the neighbors and the Eucalyptus trees would have to be looked at by a biologist to make sure no raptors were nesting, which would be addressed by the tree removal permit process. It may be prudent to consider removal of the trees, as a gas line was evident.

Commissioner Sharma complimented Mr. Stine on his nice, curved driveway. He would support the project.

IT WAS MOVED (KING/LORENZ) AND CARRIED BY THE FOLLOWING VOTE (5-0-0-1-1)
THAT THE PLANNING COMMISSION HOLD PUBLIC HEARING;

AND

**FIND THE PROPOSED PROJECT TO BE CATEGORICALLY EXEMPT FROM
ENVIRONMENTAL REVIEW PER SECTION 15315 OF THE CEQA GUIDELINES AS IT
RELATES TO A MINOR SUBDIVISION OF LAND;**

AND

**FIND PLN2005-00223 IS IN CONFORMANCE WITH THE RELEVANT PROVISIONS
CONTAINED IN THE CITY'S EXISTING GENERAL PLAN. THESE PROVISIONS
INCLUDE THE DESIGNATIONS, GOALS AND POLICIES SET FORTH IN THE GENERAL
PLAN AS ENUMERATED WITHIN THE STAFF REPORT;**

AND

**APPROVE PLN2005-00223 (TENTATIVE PARCEL MAP 8556), AS SHOWN ON EXHIBIT
"A", SUBJECT TO FINDINGS AND CONDITIONS ON EXHIBIT "B".**

The motion carried by the following vote:

AYES:	5 – Chan, Harrison, King, Lorenz, Sharma
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Weaver
RECUSE:	1 – Lydon

MISCELLANEOUS ITEMS

Information from Commission and Staff:

- Information from staff: Staff will report on matters of interest.
- Report on actions of City Council Regular Meeting.

Planning Director Schwob reported on the following:

- Zoning Text Amendments for Land Use Range Enabler and R-G and R-3 (Approved)
- Haven Avenue GPA and Rezoning (Approved)
- Dusterberry GPA and Rezoning (Approved)
- Auto Mall Commons GPA and Rezoning (Denied, 3 – 2)
- Housing Element GPA and Rezoning sites at Ardenwood/Paseo Padre, downtown BART, Osgood Road, Mission/Stevenson and Rezoning of Mt. Vernon (Approved)
- Measure T Zoning Text Amendments (Approved)

Specific parameters had been crafted for drawing the toe of the hill line, which often verified staff's methodologies. Engineers would redraw the line, based upon the parameters that were adopted by Council. It should encompass only minor changes, which would go before Council for approval in September, along with General Plan and Zoning Maps that would match up with the toe of the hill line.

Appeals:

- Sandhu Residence scheduled for July 26, 2005
- Discuss cancellation of the July 28, 2005 Regular Meeting or possible Planning Commission Retreat.

Planning Director Schwob suggested using that date for the annual Planning Commission retreat where topics could include the upcoming General Plan update, shortening the length of staff reports, and any other areas of interest.

Commissioner King had planned to be out of town on that date, but he would like to attend the retreat.

Chairperson Harrison stated that he, too, had something else to do on that date.

After much discussion, it was decided not to schedule the retreat on the first Monday night of the month or on any Friday afternoon. Staff would contact the Commissioners with tentative dates.

- Discuss cancellation of the July 28, 2005 Regular Meeting.

It was decided to cancel the meeting.

- Information from Commission: Commission members may report on matters of interest.

Meeting adjourned at 8:00 p.m.

SUBMITTED BY:

Alice Malotte
Recording Clerk

APPROVED BY:

Barbara Meerjans, Secretary
Planning Commission